

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

21 Cr. 154 (JGK)

JAMES JEREMY BARBERA,

MEMORANDUM OPINION
AND ORDER

Defendant.

JOHN G. KOELTL, District Judge:

In an Order dated August 5, 2021, the Court excluded the time from August 5, 2021, until January 31, 2022, from Speedy Trial Act calculations. ECF No. 34. In an Order dated December 15, 2021, the Court adjourned the trial date to February 2, 2022. ECF No. 71. The trial was rescheduled because the jury calendar had to be modified to allow for jury selection and the trial to be conducted in accordance with the Court's COVID-19 safety protocols. There continues to be a limited schedule for jury trials during the pandemic. Because a continuance is necessary to comply with the Court's public health measures, which serve to protect the defendant and the public from COVID-19, the Court prospectively excludes the time from **January 31, 2022**, until **February 2, 2022**, from Speedy Trial Act calculations. The Court finds that the ends of justice served by granting the continuance outweigh the best interest of the defendant and the public in a speedy trial. This Order is entered pursuant to 18 U.S.C. § 3161(h)(7)(A). See also United States v. Palmer, No. 20-cr-379, 2021 WL 1614837, at *5

(S.D.N.Y. Apr. 26, 2021) (“[S]everal courts have found that the disruptions caused by, and the public health measures necessary to protect against, the COVID-19 pandemic were sufficient grounds for ends-of-justice continuances.”).

As discussed at today’s conference, the final pretrial conference is adjourned to **January 21, 2022, at 9:30 a.m.**

SO ORDERED.

**Dated: New York, New York
December 16, 2021**

**/s/ John G. Koeltl
John G. Koeltl
United States District Judge**